

**Opening Statement of
The Honorable Henry J. Hyde
Before the Full Committee
February 8, 2006
On**

**H. RES. 593, H. RES. 624, and H. RES. 642
Resolutions of Inquiry**

Today we are marking up our 10th, 11th, and 12th resolutions of inquiry. In the debate surrounding these most recent resolutions, proponents have accused the United States of abusing detainees in its custody and of capturing suspected terrorists and delivering them to countries for the purpose of torture.

The accusations come despite President Bush's repeated assurances that the United States does not believe in torture. In January of 2005, the President told the American people that, "Torture is never acceptable, nor do we hand over people to countries that do torture." Secretary of State Condoleezza Rice has likewise stated, without qualification, that, "The United States has not transported anyone, and will not transport anyone to a country when we believe he will be tortured. Where appropriate, the United States seeks assurances that transferred persons will not be tortured."

These assurances are not empty. The Department of Defense (DoD) has aggressively sought to uphold American values while remaining tough in the War on Terror. In the past two years, DoD has completed twelve investigations into detainee abuse. In one such investigation, former Secretary of Defense James Schlesinger led an independent and comprehensive examination of DoD's detention operations. In its final report, numbering over one hundred

pages, the Schlesinger Panel concluded that, “There is no evidence of a policy of abuse promulgated by senior officials or military authorities.”

Similarly, none of the other eleven investigations found any evidence of a policy that permits abuse. Vice Admiral Albert T. Church, the Navy’s Inspector General, led a “comprehensive review” of DoD detention operations. In his report issued on March 10, 2005, Vice Admiral Church concluded that there was no link between the United States’ interrogation policies and incidents of abuse.

While not identifying a policy of abuse, DoD’s investigations have uncovered incidents of abuse and have made recommendations for reform. For instance, following its investigation of incidents of abuse at Abu Ghraib, the Schlesinger Panel concluded that:

“Command failures were compounded by poor advice provided by staff officers with responsibility for overseeing battlefield functions related to detention and interrogation operations. Military and civilian leaders at the Pentagon share this burden of responsibility.”

DoD takes these recommendations seriously. From the twelve investigations into treatment of detainees, there have been 490 recommendations for reform. DoD has addressed, or is in the process of addressing, all of these recommendations. Some significant reforms which have already been implemented include the establishment of a Detainee Operations Oversight Council that regularly reviews the Department’s detention practices. DoD has also established a

Deputy Assistant Secretary for Detainee Affairs responsible for detainee policy across the Department, a Detainee Affairs Division on the Joint Staff, and a two-star officer responsible for detention operations in Iraq. Further, DoD has improved its reporting relationship with the Red Cross and allows the Red Cross twenty-four hour access to the detention facilities at Guantanamo Bay.

When investigations uncover abuse, DoD holds accountable the individuals responsible. Following the shameful conduct at Abu Ghraib, the commanding general was relieved of her command and reduced in rank, the Intelligence Brigadier Commander was relieved of his command, 47 Memoranda of Reprimand were issued, 24 soldiers were administratively separated, 8 courts-martial were completed, and 4 officers received non-judicial punishments.

This disciplinary action and these investigations show that DoD takes seriously its responsibility to uphold American values. This is what our Nation demands—that we aggressively fight the War on Terror and that we do so with the integrity and humanity that our values require. As President Bush stated last year, “[t]his country does not believe in torture. We do believe in protecting ourselves.”

Given DoD’s dedication and vigilant oversight, it is not only unnecessary, but irresponsible, to demand reams of documents from the Executive Branch. We certainly must attempt to remedy the circumstances that allow incidents of abuse to occur. We owe this not only to ourselves, but to our soldiers who risk their lives for our ideals and to the American people.

But adopting these resolutions will not accomplish this goal. These resolutions are political attacks based, not on facts or documented incidents of abuse—these incidents have all been investigated—but instead, on newspaper headlines.

And I think there is a danger in this type of politics. The United States is at war. War is not a license for the President to break the law, and it is not an excuse for a lapse in Congressional oversight, but it does require that politics be placed below our national security. In the course of DoD's investigations into detention issues, over 16,000 pages of documents were released. These documents included classified interrogation techniques that could alert our enemies to our sources and methods of gathering intelligence. We should examine these already-public reports before demanding more documents and further compromising our Nation's security.

As the President explained last week in his State of the Union Address, "[T]here is a difference between responsible criticism that aims for success, and defeatism that refuses to acknowledge anything but failure. Hindsight alone is not wisdom, and second-guessing is not a strategy."

It used to be said that politics stopped at the water's edge. To breach that long-respected limit would be a fateful step, one that would open already strained floodgates and expose us to immeasurable consequences.

None of us here are strangers to politics, but to disregard all consequences for our country in the search for political advantage extends beyond mere recklessness. I remind members of this Committee that our country is at war. I am disheartened to have to state the obvious truth that efforts such as these resolutions with which this Committee has been repeatedly burdened, and which all observers agree have as their primary motivation the securing of political gain in an election year, will have the effect of hindering and undermining the prosecution of that war, a conflict for which many of my Democratic colleagues voluntarily and enthusiastically voted in favor.

Are these individuals now asserting that they were brainwashed and have only now, years later, awakened to their responsibility of reflecting upon their actions before they are taken, especially for so momentous a decision as committing this country to a war? Or do they now publicly declare their regret for their previous and unconditioned vote to proceed? Will they give this decision today greater scrutiny than their original vote, or will this one, too, be explained away at some later time as the product of deceit by others?

Do they with a straight face now expect us to believe that these resolutions, were they to advance forward, would have no deleterious effects at all? Or do they take comfort in the hope and expectation that these will be defeated, thereby avoiding the consequences of their irresponsible action?

I doubt my remarks will change any vote today. It is, after all, an election year, and for that reason, it is certain that these measures will continue to come before us. But I will speak to the consciences of those who vote in favor and ask that they at least silently confess to themselves that their actions pose real dangers to our country, however abstract these may seem, however soothing the rationalization, however great the temptations of political victory.

I urge you to join me in voting to report these resolutions of inquiry adversely.

I now turn to my friend, Tom Lantos, for his opening statement.